

**Green, LindaE**

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**From:** American Oversight FOIA <foia@americanoversight.org>  
**Sent:** Friday, January 19, 2018 12:04 PM  
**To:** USDAFOIA@ocio.usda.gov; whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil; ED Foia Manager; FOIA HQ; FOIARequest@hhs.gov; US DHS Privacy Office; os\_foia@ios.doi.gov; JMDFoia (JMD); foiarequests@dol.gov; ost.foia@dot.gov; treasfoia@treasury.gov; vacofoiaservice@va.gov; FN-OMB-FOIA; FOIArequest@state.gov  
**Subject:** FOIA Request (MULTI-18-0015-0037)  
**Attachments:** MULTI-18-0015-0037.pdf

Dear FOIA Officers:

Please find attached a request for records under the Freedom of Information Act.

Sincerely,

Cerissa Cafasso  
Counsel  
American Oversight  
[foia@americanoversight.org](mailto:foia@americanoversight.org) | 202.869.5244  
[www.americanoversight.org](http://www.americanoversight.org) | @weareoversight

FOIA: MULTI-18-0015-0037



January 19, 2018

Council on Environmental Quality  
Freedom of Information Officer  
722 Jackson Place NW  
Washington, DC 20503  
[efoia@ceq.eop.gov](mailto:efoia@ceq.eop.gov)

Alexis Graves  
U.S. Department of Agriculture  
1400 Independence Avenue SW  
Room 428-W, Whitten Building  
Washington, DC 20250-0706  
[USDAFOIA@ocio.usda.gov](mailto:USDAFOIA@ocio.usda.gov)

Michael Toland, Ph.D.  
Departmental FOIA Officer  
Office of Privacy and Open Government  
U.S. Department of Commerce  
14th and Constitution Avenue NW  
Mail Stop 52010FB  
Washington, D.C. 20230  
Via FOIAOnline

OSD/JS FOIA Requester Service Center  
Chief, Ms. Stephanie Carr  
Office of Freedom of Information  
U.S. Department of Defense  
1155 Defense Pentagon  
Washington, DC 20301-1155  
[whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil](mailto:whs.mc-alex.esd.mbx.osd-js-foia-requester-service-center@mail.mil)

U.S. Department of Education  
ATTN: FOIA Public Liaison  
Office of Management  
Office of the Chief Privacy Officer  
400 Maryland Avenue SW, LBJ 2E320  
Washington, DC 20202-4536  
[EDFOIAManager@ed.gov](mailto:EDFOIAManager@ed.gov)

FOIA Requester Service Center  
U.S. Department of Energy  
1000 Independence Avenue SW  
Mail Stop MA-46  
Washington, DC 20585  
Via Facsimile: (202) 586-0575

Records, FOIA, and Privacy Branch  
Office of Environmental Information  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW (2822T)  
Washington, DC 20460  
[hq.foia@epa.gov](mailto:hq.foia@epa.gov)

U.S. General Services Administration  
FOIA Requester Service Center (H1F)  
1800 F Street NW, Room 7308  
Washington, DC 20405-0001  
Via FOIAOnline

Michael Marquis  
Freedom of Information Officer  
Department of Health and Human Services  
Hubert H. Humphrey Building, Room 729H  
200 Independence Avenue SW  
Washington, DC 20201  
[FOIARequest@hhs.gov](mailto:FOIARequest@hhs.gov)

The Privacy Office  
U.S. Department of Homeland Security  
245 Murray Lane SW  
STOP-0655  
Washington, D.C. 20528-0655  
[foia@hq.dhs.gov](mailto:foia@hq.dhs.gov)

Freedom of Information Act Office  
U.S. Department of Housing and Urban  
Development  
451 7th Street SW, Room 10139  
Washington, DC 20410-3000  
Via Online Portal



Clarice Julka  
Office of the Secretary  
U.S. Department of the Interior  
MS-7328, MIB  
1849 C Street, NW  
Washington, DC 20240  
[os\\_foia@ios.doi.gov](mailto:os_foia@ios.doi.gov)

Karen McFadden  
FOIA Contact  
Justice Management Division  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Room 1111 RFK  
Washington, DC 20530-0001  
[JMDFOIA@usdoj.gov](mailto:JMDFOIA@usdoj.gov)

Office of the Solicitor  
Division of Management and Administrative  
Legal Services  
U.S. Department of Labor  
200 Constitution Avenue NW  
Room N-2420  
Washington, DC 20210  
[foiarequests@dol.gov](mailto:foiarequests@dol.gov)

Kathy Ray  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
W94-122  
Washington, DC 20590  
[ost.foia@dot.gov](mailto:ost.foia@dot.gov)

FOIA Request  
Department of the Treasury  
Washington, DC 20220  
[treasfoia@treasury.gov](mailto:treasfoia@treasury.gov)

U.S. Department of Veterans Affairs  
810 Vermont Avenue NW  
(005R1C) VACO  
Washington, DC 20420  
[vacofoiaservice@va.gov](mailto:vacofoiaservice@va.gov)

FOIA Officer  
Office of Management and Budget  
1800 G Street NW  
Washington, DC 20503  
[OMBFOIA@omb.eop.gov](mailto:OMBFOIA@omb.eop.gov)

FOIA Officer  
Office of Science and Technology Policy  
1650 Pennsylvania Avenue NW  
Washington, DC 20504  
[ostpfoia@ostp.eop.gov](mailto:ostpfoia@ostp.eop.gov)

USTR FOIA Office, GSD/RDF  
Attn: Chief FOIA Officer, Janice Kaye  
Office of the U.S. Trade Representative  
Anacostia Naval Annex, Bldg. 410/Door 123,  
250 Murray Lane SW  
Washington, DC 20509  
[FOIA@ustr.eop.gov](mailto:FOIA@ustr.eop.gov)

Office of FOIA Services  
Securities and Exchange Commission  
100 F Street NE  
Washington, DC 20549-2736  
Via Online form

Chief, FOIA/Privacy Act Office  
U.S. Small Business Administration  
409 3rd Street SW, 8th Floor  
Washington, DC 20416  
Via FOIAOnline

U.S. Department of State  
Office of Information Programs and Services  
A/GIS/IPS/RL  
SA-2, Suite 8100  
Washington, DC 20522-0208  
[FOIArequest@state.gov](mailto:FOIArequest@state.gov)



## **Re: Freedom of Information Act Request**

Dear Freedom of Information Officers:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and your agency's implementing regulations, American Oversight makes the following request for records. The records requested herein may reside in multiple components or offices within your agency. We ask that you coordinate this request across your agency in your role as the agency's FOIA contact.

Political appointees are required to take an oath of office and sign an ethics pledge.<sup>1</sup> American Oversight seeks copies of records related to these sworn obligations.

### **Requested Records**

American Oversight requests that your agency produce the following within twenty business days:

- 1) All Oaths of Office signed by any presidentially appointed (PA) or presidentially appointed and Senate confirmed (PAS) employee, such as, but not limited to, Standard Form 61.
- 2) All ethics pledges signed by any presidentially appointed (PA) or presidentially appointed and Senate confirmed (PAS) employee.

Please provide all responsive records from January 20, 2017, to the date the search is conducted.

Under the FOIA Improvement Act of 2016, agencies must adopt a presumption of disclosure, withholding information “only if . . . disclosure would harm an interest protected by an exemption” or “disclosure is prohibited by law.”<sup>2</sup> If it is your position that any portion of the requested records is exempt from disclosure, American Oversight requests that you provide an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974). As you are aware, a *Vaughn* index must describe each document claimed as exempt with sufficient specificity “to permit a reasoned judgment as to whether the material is actually exempt under FOIA.”<sup>3</sup> Moreover, the *Vaughn* index “must describe *each* document or portion thereof withheld, and for *each* withholding it must discuss the consequences of disclosing

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<sup>1</sup> See, e.g., 5 U.S.C. § 3331; Exec. Order No. 13,770 of Jan. 28, 2017, 82 Fed. Reg. 9,333 (Feb. 3, 2017).

<sup>2</sup> FOIA Improvement Act of 2016 § 2 (Pub. L. No. 114-185).

<sup>3</sup> *Founding Church of Scientology v. Bell*, 603 F.2d 945, 949 (D.C. Cir. 1979).

the sought-after information.”<sup>1</sup> Further, “the withholding agency must supply ‘a relatively detailed justification, specifically identifying the reasons why a particular exemption is relevant and correlating those claims with the particular part of a withheld document to which they apply.’”<sup>2</sup>

In the event some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document.<sup>3</sup> Claims of nonsegregability must be made with the same degree of detail as required for claims of exemptions in a *Vaughn* index. If a request is denied in whole, please state specifically that it is not reasonable to segregate portions of the record for release.

To ensure that this request is properly construed, that searches are conducted in an adequate but efficient manner, and that extraneous costs are not incurred, American Oversight welcomes an opportunity to discuss its request with you before you undertake your search or incur search or duplication costs. By working together at the outset, American Oversight hopes to decrease the likelihood of costly and time-consuming litigation in the future.

Where possible, please provide responsive material in electronic format by email or in PDF or TIF format on a USB drive. Please send any responsive material being sent by mail to American Oversight, 1030 15<sup>th</sup> Street NW, Suite B255, Washington, DC 20005. If it will accelerate release of responsive records to American Oversight, please also provide responsive material on a rolling basis.

### **Fee Waiver Request**

In accordance with 5 U.S.C. § 552(a)(4)(A)(iii) and your agency’s implementing regulations, American Oversight requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures will likely contribute to public understanding of those operations. Moreover, the request is primarily and fundamentally for non-commercial purposes.

American Oversight requests a waiver of fees because disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of activities of the government. The disclosure of the information sought under this request will document and reveal the operations of the federal government, including the constitutional and ethical obligations to which the most senior public servants in the executive branch have committed themselves. The

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<sup>1</sup> *King v. U.S. Dep’t of Justice*, 830 F.2d 210, 223–24 (D.C. Cir. 1987) (emphasis in original).

<sup>2</sup> *Id.* at 224 (citing *Mead Data Central, Inc. v. U.S. Dep’t of the Air Force*, 566 F.2d 242, 251 (D.C. Cir. 1977)).

<sup>3</sup> *Mead Data Central*, 566 F.2d at 261.



public has a profound interest in understanding how senior members of the administration have bound themselves to serving the public interest. Responsive records will also document that political appointees have made the oaths and pledges required by law. Moreover, because the requested records are required by law, they should be centrally located and readily identifiable requiring limited searching and processing.

This request is primarily and fundamentally not for commercial purposes, but rather the primary interest is in public disclosure of responsive records. As a 501(c)(3) nonprofit, American Oversight does not have a commercial purpose and the release of the information requested is not in American Oversight's financial interest. American Oversight's mission is to promote transparency in government, to educate the public about government activities, and to ensure the accountability of government officials. American Oversight uses the information gathered, and its analysis of it, to educate the public through reports, press releases, or other media. American Oversight also makes materials it gathers available on its public website and promotes their availability on social media platforms, such as Facebook and Twitter.<sup>7</sup> American Oversight has demonstrated its commitment to the public disclosure of documents and creation of editorial content. For example, after receiving records regarding an ethics waiver received by a senior DOJ attorney,<sup>8</sup> American Oversight promptly posted the records to its website and published an analysis of what the records reflected about DOJ's process for ethics waivers.<sup>9</sup> As another example, American Oversight has a project called "Audit the Wall," where the organization is gathering and analyzing information and commenting on public releases of information related to the administration's proposed construction of a barrier along the U.S.-Mexico border.<sup>10</sup>

Accordingly, American Oversight qualifies for a fee waiver.

## **Conclusion**

We share a common mission to promote transparency in government. American Oversight looks forward to working with your agency on this request. If you do not understand any part of this request, have any questions, or foresee any problems in fully releasing the requested records, please contact me at [foia@americanoversight.org](mailto:foia@americanoversight.org) or (202) 869-5244. Also, if American Oversight's

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<sup>7</sup> American Oversight currently has approximately 11,800 page likes on Facebook and 39,100 followers on Twitter. American Oversight, FACEBOOK, <https://www.facebook.com/weareoversight/> (last visited Jan. 18, 2018); American Oversight (@weareoversight), TWITTER, <https://twitter.com/weareoversight> (last visited Jan. 18, 2018).

<sup>8</sup> *DOJ Civil Division Response Noel Francisco Compliance*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/document/doj-civil-division-response-noel-francisco-compliance>.

<sup>9</sup> *Francisco & the Travel Ban: What We Learned from the DOJ Documents*, AMERICAN OVERSIGHT, <https://www.americanoversight.org/francisco-the-travel-ban-what-we-learned-from-the-doj-documents>.

<sup>10</sup> *Audit the Wall*, AMERICAN OVERSIGHT, [www.auditthewall.org](http://www.auditthewall.org).

request for a fee waiver is not granted in full, please contact us immediately upon making such a determination.

Sincerely,

A handwritten signature in blue ink, reading "Cerissa Cafasso". The signature is fluid and cursive, with the first name "Cerissa" being more prominent than the last name "Cafasso".

Cerissa Cafasso  
Counsel  
American Oversight